

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:08CR478</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>RODNEY LILLARD,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion of Paul M. Gnabasik to withdraw as counsel for the defendant, Rodney Lillard (Lillard) (Filing No. 23). The motion is granted and substitute counsel will be appointed.

The Federal Public Defender for the District of Nebraska is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

Mr. Gnabasik shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Gnabasik which are material to Lillard's defense.

In order to provide new counsel adequate time to prepare for trial, trial of this matter is rescheduled before Chief Judge Joseph F. Bataillon and a jury commencing **at 8:30 a.m. on June 8, 2009**. The additional **time** arising as a result of the granting of the request, i.e., the time between **April 13, 2009 and June 8, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

The Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

**IT IS SO ORDERED.**

DATED this 13th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge